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(FREEDOM OF INFORMATION)

WASHINGTON (UPI) -- AN APPEALS COURT SAYS A LOWER COURT RECONSIDER ITS RULING THAT REJECTED A CIA EFFORT TO WITHHOLD INFORMATION FROM A CONSUMER GROUP INVESTIGATING AN AGENCY DRUG RESEARCH PROGRAM.

THE U.S. COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA MONDAY SENT THE CASE BACK TO U.S. DISTRICT COURT FOR FURTHER ACTION.

THE CASE INVOLVED A 1977 LAWSUIT BROUGHT BY JOHN C. SIMS, AN ATTORNEY EMPLOYED BY THE RALPH NADER GROUP PUBLIC CITIZEN CONSUMER GROUP, SEEKING THE NAMES OF PERSONS AND INSTITUTIONS THAT CONDUCTED SCIENTIFIC AND BEHAVIORAL RESEARCH UNDER CONTRACT TO THE CIA UNDER THE SO-CALLED MK-ULTRA PROGRAM.

THE APPEALS COURT REJECTED THE LOWER COURT'S FINDING THE INTELLIGENCE AGENCY WAS NOT ENTITLED TO USE A FREEDOM OF INFORMATION ACT EXEMPTION THAT THE INFORMATION WAS EXEMPT FROM DISCLOSURE FOR NATIONAL SECURITY REASONS.

IT AGREED WITH THE LOWER COURT'S FINDING THE AGENCY COULD NOT USE ANOTHER EXEMPTION THAT SHIELDS "PERSONNEL AND MEDICAL FILES" FROM DISCLOSURE WHERE PERSONAL PRIVACY WOULD BE INVADED, ALTHOUGH IT DISAGREED WITH THE COURT'S REASONING ON THE ISSUE.

THE CIA-SPONSORED RESEARCH PROGRAM WAS CONDUCTED BETWEEN 1953 AND 1966.

THE TESTING INCLUDED BOTH VOLUNTEER AND NON-VOLUNTEER HUMAN SUBJECTS AND RESULTED IN THE DEATH OF AT LEAST TWO PERSONS, COURT DOCUMENTS SAID. IT WAS ORIGINALLY CONCEIVED AS A RESPONSE TO POSSIBLE USE BY THE SOVIET UNION OR CHINA OF CHEMICAL AGENTS IN INTERROGATION OR BRAINWASHING.

IN RESPONSE TO SIM'S REQUEST, THE CIA CONTACTED THE 80 INSTITUTIONS THAT PARTICIPATED IN THE PROGRAM, ASKING THEM IF THEY WOULD AGREE TO DISCLOSURE. FIFTY NINE AGREED AND 21 DECLINED.

BUT NO ATTEMPT WAS MADE BY THE CIA TO CONTACT THE 185 RESEARCHERS.

AT ISSUE NOW IS THE DISCLOSURE OF THE REMAINING 21 INSTITUTIONS AND ALL 185 RESEARCHERS.

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